

Public Notice – Environmental Regulation

Notice of action: The Department of Environmental Quality (DEQ) is announcing an opportunity for public comment on a proposed revision to the Commonwealth of Virginia State Implementation Plan (SIP). The SIP is a plan developed by the Commonwealth in order to fulfill its responsibilities under the federal Clean Air Act to attain and maintain the ambient air quality standards promulgated by the U.S. Environmental Protection Agency (EPA) under the Act. If adopted, the Commonwealth intends to submit the regulation or a portion thereof to the EPA as a revision to the SIP in accordance with the requirements of § 110(a) of the federal Clean Air Act.

Regulations affected: The regulation affected by this action is: Definition of Volatile Organic Compound, 9VAC5 Chapter 10 (General Definitions), Rev. H07.

Purpose of notice: DEQ is seeking comment on the issue of whether the regulation amendments should be submitted as a revision to the SIP.

Public comment period: May 18 to June 17, 2009.

Public hearing: A public hearing may be conducted if a request is made in writing to the contact listed below. In order to be considered, the request must include the full name, address and telephone number of the person requesting the hearing and be received by DEQ by 5 pm on the last day of the comment period. Notice of the date, time, and location of any requested public hearing will be announced in a separate notice, and another 30-day comment period will be conducted.

Public comment stage: The regulation amendments are exempt from the state administrative procedures for adoption of regulations contained in Article 2 of the Administrative Process Act by the provisions of § 2.2-4006 A 4 c of the Administrative Process Act because they are necessary to meet the requirements of the federal Clean Air Act and do not differ materially from the pertinent EPA regulations. Since the amendments are exempt from administrative procedures for the adoption of regulations, DEQ is accepting comment only on the issue cited above under "purpose of notice" and not on the content of the regulation amendments.

Description of proposal: The proposed revision will consist of amendments to existing regulation provisions concerning the definition of volatile organic compound (VOC). On January 18, 2007 (72 FR 2193), EPA revised the definition of VOC in 40 CFR 51.100 to exclude a compound known as (1)1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE-7300). This exclusion is accomplished by adding the substance to a list of substances not considered to be a VOC. In order to maintain consistency with the federal requirements for reducing VOCs and therefore ozone, Virginia's definition of VOC must be consistent with EPA's definition.

Federal information: This notice is being given to satisfy the public participation requirements of federal regulations (40 CFR 51.102) and not any provision of state law. Except as noted below, the proposal will be submitted as a revision to the Commonwealth of Virginia SIP under § 110(a) of the federal Clean Air Act in accordance with 40 CFR 51.104. It is planned to submit all provisions of the proposal as a revision to the Commonwealth of Virginia SIP.

How to comment: DEQ accepts written comments by email, fax, and postal mail. In order to be considered, comments must include the full name, address and telephone number of the person commenting and be received by DEQ by 5 pm on the last day of

the comment period. Due to problems with the quality of faxes, commenters are encouraged to provide the signed original by postal mail within one week. All testimony, exhibits and documents received are part of the public record.

To review regulation documents: The proposal and any supporting documents are available on the DEQ Air Public Notices for Plans web site

(<http://www.deq.state.va.us/air/permitting/planotes.html>). The documents may also be obtained by contacting the DEQ representative named below. The public may review the documents between 8:30 am and 4:30 pm of each business day until the close of the public comment period at the following DEQ locations: 1) Main Street Office, 8th Floor, 629 E Main St, Richmond VA, 804-698-4070, 2) Southwest Regional Office, 355 Deadmore St, Abingdon VA, 540-676-4800, 3) Blue Ridge Regional Office, Roanoke Location, 3019 Peters Creek Rd, Roanoke VA, 540-562-6700, 4) Blue Ridge Regional Office, Lynchburg Location, 7705 Timberlake Rd, Lynchburg VA, 804-582-5120, 5) Valley Regional Office, 4411 Early Rd, Harrisonburg VA, 540-574-7800, 6) Piedmont Regional Office, 4949-A Cox Rd, Glen Allen VA, 804-527-5020, 7) Northern Regional Office, 13901 Crown Court, Woodbridge VA, 703-583-3800, and 8) Tidewater Regional Office, 5636 Southern Blvd, Virginia Beach VA, 757-518-2000.

Contact for public comments, document requests and additional information: Karen G. Sabasteanski, Policy Analyst, Office of Regulatory Affairs, Department of Environmental Quality, PO Box 1105, Richmond VA 23218 (phone 804-698-4426, fax 804-698-4510, email karen.sabasteanski@deq.virginia.gov).